



Franklin-McKinley School District

Enriching young people's minds

Dr. John R. Porter, Jr.
Superintendent

645 Wool Creek Drive, San Jose, CA 95112
(408) 283-6000 Fax (408) 283-6022

June 22, 2007

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FCC - MAILROOM

Delma Juarez
Franklin-McKinley School District
Billing Entity Number: 144318
645 Wool Creek Drive
San Jose, CA 95112

Dear FCC Staff,

Subject: **Appeal to Form 471 Application Number 477732**
CC Docket No. 02-6

The Franklin-McKinley School District, San Jose, CA, is respectfully submitting an appeal to Universal Service Administrative Company's decision to deny the funding commitment for Form 471 Application Number 477732, six months after it was approved. The FCC Registration Number is 0012890588.

On May 10, 2007, an appeal letter was submitted to the Schools and Libraries Division asking for an adjustment to the *Notification of Commitment Adjustment Letter*. Unfortunately, the request was denied by the Universal Service Administrative Company (USAC).

We do not believe the funding should be removed from us. We are asking for consideration from the FCC to assist the Franklin-McKinley School District with this matter.

On July 12, 2006, Franklin-McKinley School District received a *Funding Commitment Decision Letter* from USAC for the amount of \$826,856.96. The letter clearly stated that it was approved. There were no indications on the letter that the approval was based on any contingency. It was the same letter that we have received over the years.

Because the notification was after the Funding Year 2005, I placed a call to the USAC support desk on July 19, 2006, asking for clarification of next steps to move forward with this project. I was told to proceed with the E-Rate procedures as normal. The case number for that call is 21-447429.

In addition, because of the late fund notification, Franklin-McKinley School District decided to cancel FRN 1319378 and FRN 1319418 from Form 471 - 477732; thereby reduced the approved amount from \$826,856.96 to \$539,722.02.

In November of 2006, a Project Planning Meeting was held, between us and the approved service provider for this project. The equipment was ordered, installed, and the project was completed by early March 2007. This was all done in good faith that E-Rate funding was approved and that we would be reimbursed as we had been in past years.

It was January 24, 2007, that we received the adjustment letter notifying us that the funding had been rescinded - six months after it was approved and one month after we purchased the equipment. In all the years that we have participated in the E-Rate program, I have never heard of anyone's funding being cancelled after it has been approved by USAC. It has always been my understanding that validation of requirements and processes occurs prior to approval. Once it is approved, we are ready to move forward with the project.

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Board of Education

Buu Thai • Dustin DeRollo • George Sanchez • John Lindner • Keith Nguyen

The Franklin-McKinley School District truly believes technology enhances our students' education. We work diligently towards funding the necessary operating cost to support technology in our District. It can not be done without the additional funding opportunities, such as E-Rate. The loss of this funding will drastically impact our District. Any assistance you could give us in this matter would be greatly appreciated.

I have included a copy of my letter and the attachments that I sent to the Schools and Libraries Division for your review. I am available if you have any questions or additional information is required.

Thank you for your time regarding this matter. Listed below you will find my contact information.

Sincerely,



Delma Juarez
Director of Information Technology
Franklin-McKinley School District
Office Number: 408-283-6092
Fax Number: 408-283-6066
Cellular Number: 408-472-6792
delma.juarez@fmsd.org

cc: **Zoe Lofgren, Congresswoman**
16th District California
635 North First Street, Suite B
San Jose, CA 95112

Mike Honda, Congressman
15th District California
1999 South Bascom Ave, Suite 815
Campbell, CA 95008

Dr. John R. Porter, Jr.
Superintendent
Franklin-McKinley School District

Tim McClary,
Assistant Superintendent of Business Services
Franklin-McKinley School District

Attachments (1)

